

**THE CIRCUIT COURT
FOR
THE FORTY-SEVENTH JUDICIAL CIRCUIT**

MICHIGAN



CIRCUIT JUDGE

Honorable Stephen T. Davis

FRIEND OF THE COURT

STAFF ATTORNEY

Victoria Ann Radke (906) 789-5111

INVESTIGATOR

Albert J. Busbani (906) 789-5111

FAMILY COUNSELOR/MEDIATOR

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From Office of

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July 31, 2002

RECEIVED

AUG 05 2002

OFFICE OF
THE CHIEF JUSTICE

Michigan Supreme Court
Clerk's Office
P.O. Box 30052
Lansing, MI 48909

Re: File 2002-07
Administrative Order 2002-3 Family Violence Indicator

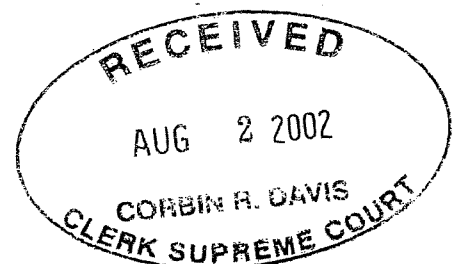
Ladies/Gentlemen:

I am writing to comment on Administrative Order 2002-3.

First of all, it is not clear whether the Family Violence Indicator (FVI) under (2)(a) would expire when the PPO expires. Does the expiration constitute an "order of the court under (5)(a)?"

Next, under (2)(c), the Friend of the Court office is placed in the position of determining whether the sworn statement sets forth enough specificity with respect to incidents or threats of violence or child abuse. If there is enough proof, the party should seek a PPO. The Friend of the Court office should not be placed in this position. Therefore, I believe (2)(c) should be removed from Administrative Order 2002-3.

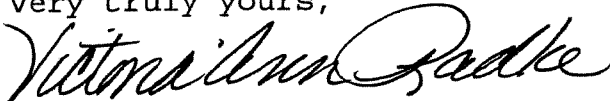
Section (3) denies a party not involved in the family violence their right to information. For instance, if a woman has two cases--each one with a different man--and the man on case A has perpetrated violence, why should the man on case B be penalized by being denied access and information because a FVI has been established for the woman? This seems to be a denial of due process.



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I believe that Administrative Order 2002-3 is flawed and needs to be modified to ensure that all courts are applying the rule in the same manner, that due process is not denied, and that Friend of the Court offices are not placed in a position to adjudicate the viability of parties' statements.

Very truly yours,

A handwritten signature in cursive script, reading "Victoria Ann Radke".

Victoria Ann Radke
Staff Attorney
Friend of the Court

VAR:bjl